

AR 201-11976

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Mr. Charlie A. Auer  
Director, Chemical Control Division  
U. S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

November 29, 1999

re: HPV Chemicals - Creosote

Dear Mr. Auer:

I am writing on behalf of the members of the Creosote Council II<sup>1</sup>, a joint data development group formed to respond to the EPA Reregistration and Data Call-In for Creosote, a wood preservative pesticide. It is the understanding of the Creosote Council II that the EPA HPV Challenge Program is intended to develop screening-level hazard information data on HPV chemicals reported under the TSCA 1990 Inventory Update Reporting Rule (IUR). Because pesticides, like creosote, are excluded from the IUR [TSCA Section 3(2)(B)(ii)], the producers and importers of creosote (CAS Number 8001-58-9) identified in this letter believe that creosote is not subject to the HPV Challenge Program. A March 18, 1999 letter to you from John Marcinowski of Koppers Industries explains this position and asks EPA to delete creosote from the HPV chemical list. A copy of that letter is attached. We are repeating Mr. Marcinowski's request by copy of this letter and we look forward to your response, which can be sent to me or Mr. Marcinowski.

There is no SIDS for creosote; nonetheless, it is a well-studied material. Acute, repeated-dose, developmental, reproductive and genetic toxicity studies as well as extensive chemical and physical property characterization tests have been performed on creosote. All of the studies were performed in accord with EPA FIFRA testing guidelines and GLP requirements. The full reports of each of these studies have been submitted to EPA and the results are reflected in the product label and MSDS.

Thank you for your time and considerations in this matter. If you have questions or require further information, please do not hesitate to phone me at 724-443-0097.

Sincerely,

John H. Butala  
Technical Advisor,  
Creosote Council II

<sup>1</sup> The Creosote Council II is comprised of Allied Signal, Inc., Morristown, N.J.; Coopers Creek Chemical Corp., West Conshohocken, Pa.; KMG-Bernuth, Inc., Houston, Tx.; Koppers Industries, Inc., Pittsburgh, Pa.; Reilly Industries, Inc., Indianapolis, In.; Western Tar Products, Terre Haute, In.